

### REMARKS

Reconsideration and allowance are respectfully requested.

Claims 6, 8-15, 29-30, 33-38, 40, 42-46, 48-49, 58 and 67 are pending. The amendments are fully supported by the original disclosure and, thus, no new matter is added by their entry. The Examiner will be rejoining claims 29-30, 33-38 and 40.

The Examiner contacted the undersigned on November 5, 2008 to discuss claim amendments that he required prior to allowance. His requirements were not previously made because the application had only recently been transferred to him after Examiner Walicka's departure from the PTO. Claims 7 and 47 are canceled because their limitations directed to at least 95% identity are incorporated in claims 6 and 42. Other amendments to parts (b) and (d) of those independent claims are made for clarity; they do not change the scope of claims 6 and 42. Claim 43 is amended and its optional limitation is moved to new claim 67. Claims 14 and 45 are amended to define the host cell as prokaryotic. In claims 15 and 46, "producing or synthesizing . . . vitamin B12 or a precursor thereof" is deleted in response to the Examiner's finding that those embodiments are directed to a nonelected invention. Claims 27, 39, 56-57 and 66 are canceled because they are also directed to nonelected inventions. Claims 50-55 and 59-65 are canceled as redundant. All of these amendments were made at the Examiner's request. The restriction requirement was withdrawn to the extent of rejoining claims 29-30, 33-38 and 40. This paragraph is Applicants' statement of the substance of the interview.

Having fully responded to the pending Office Action, Applicants submit that the claims are in condition for allowance and earnestly solicit an early Notice to that effect.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By:                     /Gary R. Tanigawa/  
Gary R. Tanigawa  
Reg. No. 43,180

901 North Glebe Road, 11th Floor  
Arlington, VA 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100